

### BEFORE THE FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D.C. 20554

In the Matter of	)
Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc. and BellSouth Long Distance Inc. For Provision of In-Region, InterLATA Services In Florida and Tennessee	) WC Docket No. 02-307

DECLARATION OF SHARON E. NORRIS ON BEHALF OF AT&T CORP.

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# DECLARATION OF SHARON E. NORRIS ON BEHALF OF AT&T CORP.

### I. PROFESSIONAL BACKGROUND OF SHARON E. NORRIS

1. My name is Sharon E. Norris. My business address is P.O. Box 658, Loganville, Georgia 30052. I have been employed in the telecommunications industry for over twenty-seven years. I currently serve as a consultant with SEN Consulting. In that capacity, I have monitored and analyzed, on an ongoing basis, BellSouth's compliance with its obligations to provide AT&T nondiscriminatory access to BellSouth's OSS. I previously have been employed by both AT&T and Southern Bell. Prior to retiring from AT&T in 1998, I had been an employee there since 1983, a member of its Law and Government Affairs Division since 1991, and AT&T's representative to the George Public Service Commission ("Georgia PSC") since 1995. From 1973 until 1983, I held various positions in Southern Bell's business offices, business marketing organizations, retail stores, and support staff organizations. I received a degree in Distributive Education from DeKalb College in 1972. As AT&T's representative to the Georgia PSC, I advocated AT&T's position on issues relating to opening Georgia's local exchange markets to competition. Beginning in 1997, I also began to monitor and analyze BellSouth's compliance with its OSS obligations throughout its nine-State region, a responsibility I continued to maintain when I retired from AT&T.

2. I have had extensive involvement in the State proceedings in BellSouth's region relating to the development, testing, and evaluation of BellSouth's OSS and other subjects. I have appeared in state workshops in Alabama, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, and Tennessee that covered a wide range of topics including OSS, performance measures, and third-party testing. I have also testified before the State public utility commissions in the States in the BellSouth region, with the exception of Florida. Finally, I have testified before this Commission in proceedings involving BellSouth's first Section 271 application for Louisiana (CC Docket No. 97-231) and, more recently, in the proceedings involving BellSouth's joint application for Section 271 authority in Georgia and Louisiana (CC Docket Nos. 01-277 and 02-35) and joint application for Section 271 authority in Alabama, Kentucky, Mississippi, North Carolina and South Carolina (WC Docket No. 02-150).

### II. PURPOSE AND SUMMARY OF DECLARATION

The purpose of this declaration is to respond to BellSouth's claims that its performance data are accurate and reliable, and show checklist compliance. Part III explains that BellSouth's reposting policy, which permits BellSouth to conceal inaccuracies in its reported results, precludes a finding that its data are accurate. Under this ill-conceived policy, BellSouth will restate data under certain limited conditions for data in so-called "key measurements." Even erroneous data for so-called "key measurements" are not subject to restatement if they do not otherwise meet the temporal, volume, and performance failure thresholds in the policy. This policy not only permits BellSouth to shield errors in its reported results, but also prevents this Commission, state regulatory bodies and the CLECs from conducting a comprehensive analysis of the quality and stability of BellSouth's performance monitoring and reporting processes.

4. Part IV explains that, assuming *arguendo* that BellSouth's data are wholly reliable, even its reported results for CLECs in the aggregate and AT&T, in particular, show that BellSouth has failed parity and benchmark standards in any number of areas. Further complicating matters, BellSouth has not been willing to engage in any meaningful dialogue to address these performance failures and improve its performance.

### III. BELLSOUTH'S REPOSTING POLICY SHIELDS ERRORS IN ITS DATA.

- 5. When an applicant, such as BellSouth here, relies on performance data to support its application, its performance data must be "above suspicion." *Texas 271 Order*, ¶ 429. BellSouth cannot make such a showing because its reposting policy permits it to hide inaccuracies in its performance results.
- 6. BellSouth's reposting policy provides for the restatement of erroneous reported results only under the following conditions:
  - (1) Only Key Performance Measures (as defined in the attachment) with corresponding sub-metrics are subject to reposting.
  - (2) Performance sub-metric calculations for Key Performance Measures as reflected in the MSS that result in a shift in the performance in the aggregate from an "in parity" condition to an "out of parity" condition will be available for reposting.
  - (3) Performance sub-metric calculations for Key Performance Measures with benchmarks that are in an "out of parity" condition will be available for reposting whenever there is a ≥2% deviation in performance at the sub-metric level, provided that there are at least 100 CLEC transactions in the sub-metric.
  - (4) Performance sub-metric calculations for Key Performance Measures with retail analogues that are in an "out of parity" condition will be available for reposting whenever there is a .5 change in the z-score at the sub-metric level, provided

that there are at least 100 CLEC transactions in the submetric.

- (5) Performance data will be available for reposting with the updated data for a maximum of three months in arrears. Performance data charts (MSS Charts) that incorporate updated data will only be generated as part of the normal monthly production cycle.<sup>1</sup>
- 7. Thus, under this policy, BellSouth is not required to repost data for any measures which are not considered to be "Key Performance Measures" measures that BellSouth has selected. Furthermore, data for "key" measures will not be restated unless they meet the volume, performance failure, and temporal thresholds in the policy. This policy is demonstrably unsound and serves no purpose other than to cloak in secrecy BellSouth's inaccuracies in its reported results.
- 8. For purposes of its Application, BellSouth relies upon, with few exceptions, data for all measurements in its MSS reports. As a consequence, any inaccuracies in the data upon which it relies are critical to an analysis of BellSouth's claims of checklist compliance. BellSouth's failure to divulge all errors in its results renders it impossible for this Commission, state regulatory bodies and the CLECs to conduct a comprehensive analysis of its performance reporting processes. Moreover, any notion that BellSouth can legitimately shroud its data errors is belied by the fact that it can incur penalties for inaccuracies in its performance results. As the FPSC observed:

We agree with the ALEC Coalition that a penalty is appropriate for "incomplete" and "inaccurate" reporting. We find that a penalty is necessary to encourage BellSouth to report this information in a complete and accurate fashion. Both the ALECs and this

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<sup>&</sup>lt;sup>1</sup> Varner Reply Aff., PM-13 (WC Docket No. 02-150) (footnotes omitted).

Commission must use this information to determine whether BellSouth is providing parity of service.<sup>2</sup>

- 9. In buttressing its opinion, the FPSC noted that this "issue [of data accuracy] is important because if the information is incomplete or inaccurate when provided, the ability of the ALECs and this Commission to determine if BellSouth is providing parity service is hindered." *Id.* at 132.
- inaccuracies in its reported data. Indeed, the frequency and nature of the restatements are an important indicator of the quality of BellSouth's performance monitoring and reporting processes. Simply put, BellSouth cannot have it both ways. BellSouth cannot assert, as it does in its Application, that its data are accurate and wholly reliable, while simultaneously shielding errors in its reports based upon a self-serving, unilaterally-implemented policy. If BellSouth's data are truly trustworthy and reliable as it claims, it should have no concerns about fully disclosing its actual performance. In any event, the current record cannot possibly serve as a basis for a finding that BellSouth's data are accurate and reliable.

# IV. <u>BELLSOUTH'S PERFORMANCE DATA DO NOT DEMONSTRATE</u> SECTION 271 COMPLIANCE.

11. Even assuming *arguendo* that BellSouth's data are accurate – and they are not – its own reported data show that it has not satisfied its Section 271 obligations. As the chart

<sup>&</sup>lt;sup>2</sup> In re: Investigation into the Establishment of Operations Support Systems Permanent Performance Support Systems Permanent Performance Measures for Incumbent Local Exchange Telecommunications Companies, Docket No. 000121A-TP, Florida Public Service Commission, Order No. PSC-01-1819-FOF-TP, issued September 10, 2001 at 136.

<sup>&</sup>lt;sup>3</sup> See Evaluation of the United States Department of Justice, CC Docket No. 01-277 at 31 (noting that performance measures should be "meaningful, accurate and reproducible"). See, id., at 32-34 (discussing the highly probative value of data restatements in determining the accuracy of data).

attached as Attach. 1 shows, BellSouth has suffered chronic performance failures in any number of areas. BellSouth's own reported results show that, *inter alia*, it does not provide timely status notices to CLECs, and that it has failed to perform at parity during the provisioning and maintenance and repair processes. A few illustrative examples of its performance failures follow.<sup>4</sup>

#### A. Tennessee Data

### 1. Status Notices

- 12. Ordering and provisioning notices are the means by which BellSouth advises CLECs of certain events in the ordering and provisioning process. FOCs advice CLECs that BellSouth has accepted a service order and provides CLECs with a committed due date. Rejection notices notify CLECs that a particular order is defective and must be corrected. Jeopardy notices advise CLECs that BellSouth cannot meet a confirmed due date. Completion notices advice CLECs that the ordered service has been provisioned.
- 13. The Commission has consistently held that receipt of all of these notices, on a timely basis, is critical to a CLEC's ability to compete. In its recent *New Jersey 271 Order*, the Commission reiterated that the timely receipt of status notices is "an important aspect of a competing carrier's ability to serve its customers at the same level of quality as a BOC." *New Jersey 271 Order*, ¶ 93. BellSouth, however, does not provide timely status notice to CLECs.
- 14. **Rejection Interval**. The MSS reports include measures designed to assess whether BellSouth has met benchmark standards for the timely return of rejection notices. BellSouth's own reported results show that it has had chronic performance failures in this area for numerous order categories. Thus, for example, under the business rules governing the

<sup>&</sup>lt;sup>4</sup> Unless otherwise noted, the data herein are BellSouth's CLEC aggregate data.

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measure, BellSouth is required to return the rejection notices for 97% of Resale mechanized orders within one hour. However, during 10 of 12 months from August 2001 to July 2002, BellSouth failed to meet the benchmark standard for reject intervals for Resale-Residence orders <sup>5</sup>

- 15. Similarly, during the twelve month period from August 2001 to July 2002, BellSouth failed the benchmark standards for reject intervals for other categories of orders as noted below:
  - During eight of 12 months, BellSouth failed the benchmark standard for Resale-FM-Business (*id.* at A.1.4.2).
  - During 11 of 12 months, BellSouth failed the benchmark standard for loop/port FM (*id.* at B.1.4.3).
  - During five of 12 months, BellSouth failed the benchmark standard for ISDN loop FM (id. at B.1.4.6)
  - During 10 months for which data are reported, BellSouth failed the benchmark standard for Line Sharing FM (*id.* at B.1.4.7).
  - During the entire twelve month period, BellSouth failed the benchmark standard for 2W Analog Loop Design (*id.* at B.1.4.8) and Other Design orders (*id.* at B.1.4.14).
  - During 11 months for which data are reported, BellSouth failed the benchmark standard for Other Non-Design (*id.* at B.1.4.15).
  - During five of 11 months for which data are reported, BellSouth failed the benchmark standard for UNE Line Sharing (*id.* at B.1.7.7).
  - During six of 12 months, BellSouth failed the benchmark standard for analog loop design (*id.* at B.1.7.8).
  - During five of 12 months, BellSouth failed the benchmark standard for LNP Standalone (*id.* at B.1.7.17).

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<sup>&</sup>lt;sup>5</sup> Varner Aff., Ex. PM-03, Attach. 4.

- benchmark standards for reject intervals, but offers a host of rationalizations and excuses. Thus, for example, in explaining its performance failures, BellSouth notes that its performance was adversely affected by, *inter alia*, mapping problems which delayed the processing of data and "[e]rrors that were detected after the LSR has already received an FOC . . . . . . . . . . . . . . . . . Although BellSouth contends that it is currently evaluating some of these problems, and that many of these performance problems will be resolved as a result of corrective measures, these are nothing more than unfulfilled promises which are of no probative value in the context of this proceeding. *See*, *id.* at 19-20.
- 17. **FOCs**. Whether a BOC has provided CLECs with timely firm order confirmations ("FOCs") is critical to a CLEC's ability to compete. *Georgia/Louisiana 271*Order, App. D, ¶ 36 Second Louisiana 271 Order, ¶ 117. BellSouth, however, has not shown that it provides timely FOCs to CLECs. Under the business rules, 95% of the FOCs for mechanized orders must be returned within three hours. However, from April through July 2002, BellSouth failed the benchmark standard for FOC timeliness for Other Non-Design orders.

  Id. at B.1.9.15. During this period, the FOC timeliness rates for this category of orders ranged from 70 to 78.24 percent well below the 95 percent benchmark standard.
- 18. Furthermore, for partially mechanized orders, BellSouth is required to return a FOC within 10 hours. However, in June and July 2002, BellSouth failed to meet this benchmark standard for ISDN Loop. *Id.* at B.1.12.6. And, during seven of the 11 months from September 2001 through July 2002, BellSouth failed to meet this benchmark standard for Other Non-Design orders. *Id.* at B.1.12.15. Indeed, in June 2002, approximately 76 percent of Other

<sup>&</sup>lt;sup>6</sup> Varner Aff., Exhibit PM-3 at 20.

Non-Design orders received a timely FOC; and in July 2002, only 71% of these orders received a timely FOC.

- 19. **Jeopardies.** The Commission has recognized that the inability of a CLEC to meet the due date described in the FOC (and given by the customer to its customer) "is likely to have a significant competitive impact on new entrants' ability to compete." *South Carolina* 271 Order, ¶ 130. If the BOC fails to meet the due date but does not notify the CLEC, the CLEC will likely learn of the problem only when it is contacted by its customer and will have no information with which to respond. Thus, the Commission has stated that timely jeopardy notices are "critical" to a CLEC that has previously received a committed due date. *Second Louisiana* 271 Order, ¶ 131.
- 20. BellSouth's data show that greater percentages of CLEC orders have been placed in jeopardy than retail orders. During four of the past six months of reported data from February to July 2002, BellSouth failed the parity standard for the measurement on % Jeopardies-Mechanized for UNE ISDN orders. *Id.* at B.2.5.6. Thus, for example, in May 2002, while only 7.97 percent of BellSouth's retail orders were placed in jeopardy, approximately 20 percent of UNE ISDN orders were placed in jeopardy. In July 2002, while only approximately seven percent of BellSouth's retail orders were placed in jeopardy, 19.51 percent of UNE ISDN orders were placed in jeopardy. *Id.*
- 21. During the entire 12 month period from August 2001 through July 2002, BellSouth failed the parity standard for the % Jeopardies-Mechanized measure for 2W Analog Loop Design. *Id.* at B.2.5.8. Although fewer than one percent of BellSouth's retail orders were placed in jeopardy during this period, the percentage of 2W Analog Loop Design orders that were placed in jeopardy ranged from 1.54 percent to approximately 12 percent. *Id.*

- 22. From April through July 2002, BellSouth failed to meet the benchmark standard for the measure on % Jeopardies-Mechanized for 2W Analog Loop Non-Design orders. *Id.* at B.2.5.9. Thus, for example, in June 2002, although only 0.76 percent of BellSouth's retail orders were placed in jeopardy, approximately 14 percent of 2W Analog Loop Non-Design orders were placed in jeopardy. *Id.* In July 2002, although only 0.71 percent of BellSouth's retail orders were placed in jeopardy, 8.16 percent of 2W Analog Loop Non-Design orders were placed in jeopardy. *Id.*
- 23. Additionally, BellSouth failed to meet the parity standard with respect to jeopardy notices for 2W analog loop with LNP design orders. *Id.* at B.2.5.12. Furthermore, from September 2001 through July 2002, BellSouth consistently failed to meet the parity standard for jeopardy notices for Digital Loop >= DSI orders. *Id.* at B.2.5.19. For example, in June 2002, while approximately 30 percent of BellSouth's retail orders were placed in jeopardy, approximately 71 percent of Digital Loop >= DSI orders were placed in jeopardy. In July 2002, although approximately 22 percent of BellSouth's retail orders were placed in jeopardy, approximately 65 percent o Digital Loop >= DSI orders were placed in jeopardy.
- CLECs in a timely manner. From May through July 2002, BellSouth failed to meet the performance standard for the timely return of completion notices for 2W analog loop design /<10 ckts/dispatch (B.2.21.8.1.1). In June, the average completion notice interval for BellSouth's retail orders was 1.49 hours, while the interval for 2W Analog Design <10 Circuits/Dispatch Orders was approximately 29 hours. In July, the average completion notice interval for BellSouth's retail orders was 2.72 hours, while the interval for 2W Analog Design <10 Circuits/Dispatch orders was approximately 21 hours.

25. Similarly, during six of the 12 months from August 2001 through July 2002, BellSouth failed the benchmark standard for the timely return of completion notices for 2W analog loop w/LNP design/< 10 ckts/Dispatch (B.2.21.12.1.1). For example, in June 2002, although the average completion notice interval for BellSouth's retail orders was 1.49 hours, the interval for 2W Analog Loop w/LNP Design <10 circuits/dispatch was 6.92 hours. In July, although the interval for BellSouth's orders in this submeasure was 2.72 hours, the interval for CLEC orders in this submeasure was approximately 20 hours.

### 2. Provisioning

- 26. **Average Completion Interval.** In order to show parity for provisioning, BellSouth must demonstrate that it is provisioning CLEC orders within the same amount of time that it provisions the same or comparable services for its own customers<sup>7</sup>. BellSouth's own data show that it is not provisioning CLEC orders at parity.
- 27. BellSouth's own data show that, during eight of ten months of reported data, it failed the parity standard for Submeasure B.2.1.4.1.1 which measures the Average Completion Interval for Combo Other/<10 Circuits Dispatch. For example, in May 2002, although the order completion interval for retail orders was approximately six days, the order completion interval for CLEC orders in this submeasure was approximately 11 days. In June 2002, the order completion interval for retail orders was approximately seven days, while the order completion interval for CLEC orders in this submeasure was approximately 12 days.
- 28. Similarly, during the last three months of reported data, BellSouth failed the parity standard for Submeasure B.2.1.7.3.2 (Line Sharing/<6 Circuits/Non Dispatch). For

<sup>&</sup>lt;sup>7</sup> Michigan 271 Order, ¶¶ 164, 171, 185, 212.

example, during June 2002, although the average order interval for retail orders was approximately 2 days, the order interval for CLEC orders was approximately 4 days.

29. Missed Due Dates. As this Commission has recognized, "BellSouth is held accountable by the Missed Installation Appointments metric for instances when BellSouth-caused jeopardies result in missed due dates." Georgia/Louisiana 271 Order, ¶ 156 (footnote omitted). BellSouth's own data for Submeasure B.2.18.19.1 (Digital Loop>=DS1/<10 Circuits/Dispatch orders show that it missed more due dates for CLEC orders in this submission than those for its own retail customers. During seven of the twelve months from August 2001 through July 2002, BellSouth failed the parity standard for this submeasure. For example, in May 2002, BellSouth missed approximately three percent of the due dates for its retail orders, but missed approximately seven percent of the CLEC orders within this submeasure. Similarly, in June 2002, although BellSouth missed approximately four percent of the due dates for its retail orders in this submeasure, it missed approximately nine percent of the due dates for the CLEC orders in this submeasure. In July 2002, although BellSouth missed approximately 4.77% of the due dates for its retail orders in this submeasure, it missed 7.03 percent of the CLEC orders within this submeasure.

### 3. Maintenance and Repair

30. As part of its obligations to provide nondiscriminatory access to OSS functions, BellSouth is required to provide CLECs with nondiscriminatory access to its maintenance and repair systems. Without such access, "a competing carrier would be placed at a significant competitive disadvantage, as its customer would perceive a problem with a BOC's

<sup>&</sup>lt;sup>8</sup> Georgia/Louisiana 271 Order, App. D., ¶ 38; New York 271 Order, ¶ 212.

network as a problem with the competing carrier's own network." However, BellSouth has failed to provide parity of access to maintenance and repair functions.

- April 2002 through July 2002, it failed to meet the parity standard for Submeasure B.3.2.4.1 which measures the Customer Trouble Report Rate/Combo Other/Dispatch Orders. For example, in June 2002, the customer trouble report rate for BellSouth's retail orders in this submeasure was 1.61 percent, while the rate for CLEC orders in this submeasure was 5.71 percent.
- 32. **Missed Repair Appointments.** BellSouth's own data reveal that it has missed more repair appointments for CLEC orders than those for its retail customers. For example, during eight of the last 12 months from August 2001 through July 2002, BellSouth has missed the parity standard for Submeasure B.3.1.3.2 (Missed Repair Appointments/Loop/Port Combo Non-Dispatch). For example, in May 2002, although BellSouth missed 1.10 percent of the repair appointments for its retail orders in this submeasure, it missed 4.52 percent of the CLEC orders in this submeasure. In June 2002, although BellSouth missed 0.88 percent of the repair appointments for its retail orders, it missed 4.08 percent of the CLEC orders in this submeasure.
- 33. BellSouth also failed to meet the parity standard for Submeasure B.3.1.7.2 (Missed Repair Appointments/Line-Sharing/Non-Dispatch). Thus, for example, in June 2002, BellSouth missed approximately two percent of the repair appointments for its retail orders in this submeasure, but missed over 16 percent of the CLEC orders in this submeasure. In July

<sup>&</sup>lt;sup>9</sup> New Jersey 271 Order, App. C, ¶ 38; New York 271 Order, ¶ 196.

2002, although BellSouth missed 2.43 percent of the repair appointments for its retail orders in this submeasure, it missed over 16 percent of the CLEC orders in this submeasure.

- 34. **Troubles in 30 Days.** BellSouth's own data show that it has failed to meet the parity standard for the measure on % Troubles in 30 days. In May and June 2002, it missed the parity standard for provisioning troubles for Submeasure A.2.16.6.1.2 (Resale ISDN<10 circuits/Non Dispatch). In May 2002, while only 0.87 percent of BellSouth's retail orders experienced troubles within 30 days of installation, over five percent of the CLEC orders in this submeasure experienced troubles. In June 2002, while less than five percent of BellSouth's retail orders experienced provisioning troubles, over 11 percent of CLEC orders in this submeasure experienced such troubles.
- 35. Similarly, during May and July 2002, BellSouth has failed to meet the parity standard for provisioning troubles for Submeasure B.2.19.6.1.1 (UNE ISDN/<10 circuits/Dispatch). In May 2002, while 8.49% of BellSouth's retail orders experienced provisioning troubles, 15.94 percent of CLEC orders in this submeasure experienced such troubles. In July 2002, although 7.48% of BellSouth's retail orders experienced provisioning troubles, over 16 percent of CLEC orders in this submeasure experienced such troubles.
- 36. From April through June 2002, BellSouth failed to meet the parity standards for provisioning troubles for Submeasure B.2.19.18.1.1 (% Troubles in 30 days < DS1 < 10 Cts/Dispatch).
- 37. For example, in May, while 4.34 percent of BellSouth's retail customers experienced provisioning troubles within 30 days, 9.72 percent of CLEC orders in this submeasure experienced such troubles. Similarly, in June, although approximately 4 percent of

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BellSouth's retail orders experienced provisioning troubles, 7.53 percent of CLEC orders in this submeasure experienced such troubles.

#### B. Florida Data

- 1. Status Notices
- 38. **Reject Interval.** Under the business rules governing the metrics,
  BellSouth is required to return 97 percent of rejection notices within 1 hour. However,
  BellSouth has failed to return these notices in a timely manner. During 11 of 12 months from
  August 2001 through July 2002, BellSouth failed the parity standard for Submeasure A.1.4.1
  which measures the Resale Reject Interval-Residence-Fully Mech., as well as Submeasure 1.4.2
  which measures the Resale Reject Interval-Mechanized Business.<sup>10</sup>
- 39. During the entire twelve month period from August 2001 through July 2002, BellSouth failed to meet the 97% benchmark standard for Submeasure B.1.4.3 (Reject Interval-Mechanized Loop/Port-Combo).
- 40. From April through July 2002, BellSouth failed to return timely rejection notices for Submeasure B.1.4.6 (Reject Interval-Mechanized ISDN Loop). During this period, the timely rejection rates for this order category ranged from a low of 50 percent to a high of approximately 86 percent.
- 41. From September 2001 through July 2002, BellSouth failed to meet the benchmark standard under Submeasure B.1.4.7 (Reject Interval-Mechanized-Line Sharing) the timely rejection rates for this order category ranged from a low of 50 percent to a high of approximately 79 percent well below the 97 percent benchmark standard.

<sup>&</sup>lt;sup>10</sup> See Varner Aff., PM-02, Attach. 4.

- 42. Similarly, during the entire twelve month period from August 2001 through July 2002, BellSouth failed to satisfy the 97% benchmark standard for Submeasure B.1.4.8 (Reject Interval-2W Analog-Loop Design). From February 2002 through July 2002, the timely rejection rates for this category ranged from a low of 61.68 percent to a high of 79.2 percent rates nowhere near the 97% benchmark standard.
- 43. During the entire twelve month period from August 2001 through July 2002, BellSouth failed to meet the benchmark standard for the timely return of rejection notices for Submeasure B.1.4.9 (Reject Interval-Mechanized/ 2W Analog Loop Non-Design). For example, in June 2002, the timely rejection rate for this order category was an abysmally low 64.29 percent. However, In July 2002, the timely rejection rate deteriorated even further to 52.03 percent.
- 44. For the entire twelve months from August 2001 through July 2002, BellSouth failed to meet the benchmark standard for Submeasure 1.14.14 (Reject Interval-Mechanized Other Design) and Submeasure B.1.4.14.15 (Reject Interval-Mechanized-Other Non-Design). During July 2002, the timely rejection rate for Other Design orders was approximately 56 percent; and in that same month, the timely rejection rate for Other Non-Design orders was approximately 67 percent.
- 45. BellSouth also failed to meet the benchmark standard for the timely return of rejection notices for partially-mechanized orders. Under the Florida SQM that went into effect in May 2002<sup>11</sup>, a 95 percent benchmark standard has been established for the timely return of partially-mechanized rejection notices. Under the prior business rules governing the metrics, an

<sup>&</sup>lt;sup>11</sup> In re: Investigation into the Establishment of Operations Support Systems Permanent Performance Measures for Incumbent Local Exchange Telecommunications Companies, Order No. PSC-02-0187-FOF-TP, issued February 12, 2002.

85 percent benchmark standard was established for this measure. However, BellSouth's data in its Application, which cover the period from May 2002 through July 2002, are based upon the prior, rather than the current, benchmark standard. Those data show, in any number of instances, that BellSouth failed the benchmark standard under the prior benchmark standard. However, if BellSouth calculated its results under the current benchmark standard, it is likely that BellSouth's performance results would show performance failures for other measures.

- A6. BellSouth's reports show that, during eight of the 10 months from November 2001 through July 2002, it failed the performance standard for Submeasure B.1.7.7 (Reject Interval-Partially Mech. Line Sharing). In May 2002, BellSouth returned approximately 75 percent of the rejection notices for CLEC orders in this submeasure in a timely manner, a rate that is 10 percentage points below the prior benchmark standard and 20 percentage points below the current benchmark standard. In June, BellSouth returned 84.85% of the rejection notices for CLEC orders in this submeasure. Although this rate slightly missed the prior benchmark standard, it is 10 percentage points below the current standard.
- 47. From February 2002 through July 2002, BellSouth failed to meet the benchmark standard for Submeasure B.1.7.9 (Reject Interval-Partially Mech. 2W Analog Loop-Non Design). During that period, the timely rejection rate for submeasure ranged from approximately 65 percent to approximately 79 percent rates well below the prior and current benchmark standards.
- 48. From May 2002 through July 2002, BellSouth failed to meet the benchmark standard for Submeasure B.1.7.12 (Reject Interval-Partially Mech. 2W Analog Loop w/LNP Design). In May 2002, only 74.23 percent of the orders in this category met the benchmark standard a rate that is approximately 11 percentage points below the prior

benchmark standard and approximately 21 percentage points below the current standard. In June and July 2002, the timely rejection rates for this order category were 75.18 percent and 72.80 percent, respectively—rates well below the prior and current standards.

- 49. For ten of the past 12 months, from August 2001 through July 2002, BellSouth failed the benchmark standard for Submeasure B.1.7.13 (Reject Interval-Partially Mech. 2W Analog Loop with LNP Non-Design). For example, in July 2002, only approximately 73 percent of the rejection notices in this order category were returned in a timely manner -- a rate well below the prior and current benchmark standard.
- 50. **FOCs.** Under the Florida Permanent SQM that went into effect beginning in May 2002, 95 percent of the FOCs for partially-mechanized orders must be returned within 10 hours. However, BellSouth's data in its Application which cover the period from May 2002 through July 2002 are based upon the benchmark that was in effect before the Florida Permanent SQM went into effect (*i.e.* 85 percent within 10 hours). Thus, for example, in reporting its results for Submeasure B.1.12.3 (FOC Timeliness Partially Mech. Loop-Port Combo), BellSouth asserts that it met the benchmark standard in April, June, and July 2002. However, BellSouth calculated its results based upon the former 85 percent, rather than the current 95 percent, benchmark standard. Under the new benchmark, it is likely that BellSouth would have failed the standard during these three months.
- 51. During June 2002 and July 2002, BellSouth failed the benchmark standard for Submeasure B.1.12.6 (FOC Timeliness-Partially Mech. ISDN Loop). Indeed, in July 2002, BellSouth's FOC timeliness rate for this order category was approximately 71 percent well below the prior or current benchmark standard.

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- 52. Similarly, under the prior, as well as the current benchmark standard,
  BellSouth failed to return timely FOCs for Submeasure B.1.12.12 (2W Analog Loop w/LNP
  Design). In May, June, and July 2002, the timely FOC rates for these orders were 77.96 percent,
  65.57 percent, and 74.04 percent, respectively.
- 53. In June and July 2002, BellSouth failed to meet the prior and the current benchmark standards for B.1.12.13 (FOC Timeliness-Part. Mech. 2W Analog Loop w/LNP Non-Design). During June, 2002, the FOC timeliness rate for this order category was 80.58% approximately 4 percentage points below the prior benchmark and 14 percentage points below the current benchmark. In July 2002, the FOC timeliness rate for this order category was 65.43 percent approximately 20 points below the prior benchmark standard and 30 percent below the current standard.
- 54. BellSouth's failure to return timely FOCs has also impacted AT&T. In May and June 2002, BellSouth's FOC timeliness rates for AT&T's UNE-P partially-mechanized orders were 78.28 percent and 81.19 percent, respectively. Thus, BellSouth missed the prior 85 percent benchmark standard, and, of course, the 95 percent benchmark standard.
- 55. Additionally, in June and July 2002, BellSouth missed the benchmark standard for FOC timeliness for AT&T's UNE Loop partially-mechanized orders. During these months, AT&T's FOC timeliness rates for this order category were 83.33 percent and 81.81 percent, respectively rates well below the prior and current benchmark standards.
- Jeopardies. BellSouth has not performed at parity on the measures of % Jeopardies-Mechanized. During the last six months from February 2002 through July 2002, BellSouth failed the parity standard for Submeasure B.2.5.6 (% Jeopardies-Mechanized/ISDN). For example, in May 2002, approximately nine percent of BellSouth's retail orders were placed

in jeopardy, while approximately 39 percent of CLEC orders were placed in jeopardy. Similarly, in June approximately 14 percent of BellSouth's retail orders were placed in jeopardy, while approximately 39 percent of CLEC orders were placed in jeopardy. BellSouth's July 2002 data continued to show these same wide disparities in performance results.

- 57. Similarly, BellSouth's results show that, for the entire twelve month period from August 2001 through July 2002, BellSouth failed to perform at parity for Submeasure B.2.5.8 (% Jeopardies-Mechanized 2W Analog Loop Design). Although the percentage of BellSouth's retail orders that were placed in jeopardy was less than one percent during this period, the percentage of CLEC orders in this submeasure that were placed in jeopardy ranged from approximately eight to 20 percent.
- parity in returning timely completion notices to CLECs. In June 2002 and July 2002, BellSouth failed the parity standard for Submeasure B.2.21.5.1.1 (Average Completion Notice Interval-Mech. DSL). For example, in July 2002, the average completion notice interval for BellSouth's retail orders was approximately four hours, while the average completion notice for CLEC orders in this submeasure was approximately 22 hours over 17 hours longer than BellSouth's retail interval.
- 59. During the past 12 months from August 2001 through July 2002, BellSouth failed to meet the parity standard for Submeasure B.2.21.8.1.1 (Average Completion Notice Interval-Mech. 2W Analog Loop Design/<10 circuits/Dispatch). For example, in May 2002, BellSouth's retail average completion notice interval was approximately four hours, while the interval for CLEC orders in this category was approximately 10 hours. In July 2002,

although the retail average completion notice interval was 6.54 hours, the interval for CLEC orders in the submeasure was over 20 hours.

### 2. Provisioning.

- with respect to the measure on % Troubles Within 30 Days of Provisioning. In the last twelve months, from August 2001 through July 2002, BellSouth has failed the parity standard for Submeasure A.2.1.12.1.1.2 (% Troubles in 30 days Resale Residence<10 circuits-Non Dispatch). Similarly, BellSouth's CLEC aggregate data show that, during April and May 2002, BellSouth failed to perform at parity on Submeasure B.2.19.3.1.4 (% Troubles in 30 days/loop and port combo/<10 circuits Dispatch). 12
- 61. BellSouth's provisioning trouble report rates have been out of parity for other product categories. From April 2002 through July 2002, BellSouth failed to meet the parity standard for Submeasure B.2.19.7.1.1 (% Troubles in 30 Days UNE Line Sharing/<10 circuits/Dispatch). During this period, BellSouth's retail provisioning trouble rates in this submeasure ranged from approximately 4 to 5 percent, while the provisioning troubles for the CLEC orders in this submeasure ranged from approximately 25 to 33 percent.
- 62. From April 2002 through July 2002, BellSouth failed to meet the parity standard under Submeasure B.2.19.7.1.2 (% Troubles in 30 Days UNE Line Sharing/<10

<sup>&</sup>lt;sup>12</sup> AT&T has complained to BellSouth about its regional results (which include Florida) which indicate that, in May, June, and July 2002, BellSouth failed to perform at parity on the Measure of % Troubles in 30 days for AT&T's UNE-P orders. Indeed, the provisioning trouble reports in this category have been trending upward since April 2002. Because of BellSouth's poor performance in this area, BellSouth paid penalties to AT&T in July. AT&T also has discussed with BellSouth its regionwide results which indicate that in May and June 2002, BellSouth failed to perform at parity on the Measure of % Troubles in 30 days for AT&T's UNE Loop with Number Portability orders.

circuits/Non-Dispatch). During this period the provisioning trouble rates for CLEC orders in this submeasure were approximately three times higher than those for BellSouth's retail orders.

- 63. From April 2002 through July 2002, BellSouth failed the benchmark standard for Submeasure B.2.19.18.1.1 (% Troubles in 30 Days/<DS1<10 ckts<Dispatch). And, during 11 of the past 12 months from August 2001 through July 2002, BellSouth failed to meet the parity standard for Submeasure B.2.19.19.1.1 (% Troubles in 30 days/>DS1<10 ckts/Dispatch). For example, in July 2002, BellSouth's retail provisioning trouble report rate was 5.41 percent, while the provisioning trouble report rate for CLEC orders in this submeasure was 10.57 percent.
- Missed Appointments. BellSouth has not performed at parity on the Measure for Missed Installation Appointments. During August 2001 through July 2002, BellSouth failed the parity standard on Submeasure B.2.18.3.1.2 (Missed Appointments loop port/<10 ckts/non-dispatch).
- 65. Similarly, AT&T has had discussions with BellSouth regarding its regional data (which include Florida) which indicate that BellSouth failed to perform at parity on the measure of Missed Installation Appointments for AT&T's Business UNE-P (Non-Dispatch) orders for May, June, and July 2002.
- 66. Average Completion Interval. BellSouth's reported data show that it failed to provision CLEC orders at parity. From December 2001 through July 2002, BellSouth has failed to perform at parity on Submeasure B.2.1.13.1.4 (Average Completion Interval-2W Analog Loop with LNP Non Design <10 cir/dispatch). During June and July, the order completion interval for CLEC orders in this submeasure was approximately three days longer than the interval for BellSouth's retail orders.

- 3. Maintenance and Repair.
- in meeting the repair appointments for CLEC customers. For example, from February 2002 through July 2002, BellSouth failed to meet the parity standard for Submeasure B.3.1.7.2 (Missed Repair Appointments/Line Sharing/Dispatch). In May 2002, while BellSouth missed 1.97 percent of the repair appointments for its retail orders, it missed 10 percent of the repair appointments for the CLEC orders in this submeasure. In June 2002, although BellSouth missed 1.45 percent of the repair appointments for its retail customers, it missed over 26 percent of the repair-appointments for CLEC orders in this submeasure.
- 68. During 10 of the past 12 months from August 2001 through July 2002, BellSouth failed to satisfy the parity standard for Submeasure B.3.1.9.2 (Missed Repair Appointments (2W Analog Loop Non-Design Non-Dispatch). For example, in July 2002, BellSouth missed less than one percent of the repair appointments for its retail customers, but over 25 percent of the repair appointments for CLEC orders in this submeasure.
- 69. **Maintenance Average Duration.** In April and May 2002, BellSouth failed to meet the parity standard for Submeasure B. 3.3.11.1 (Maintenance Average Duration/Other Non-Design Dispatch). In April 2002, although the maintenance average duration for retail orders was approximately 16 hours, the maintenance average duration for CLEC orders in this order category was approximately 33 hours. In May 2002, the average maintenance average duration of BellSouth's retail orders was approximately 15 hours, while the maintenance average duration for CLEC orders in this submeasure was over 54 hours.
- 70. BellSouth's performance data, standing alone, demonstrate that it has not performed at parity or provided CLECs with a meaningful opportunity to compete. Worse yet,

BellSouth has been unwilling to conduct root cause analyses and create improvement plans to address its performance failures.

- 71. As noted above, BellSouth has repeatedly failed to satisfy the parity standard for the Measure of Provisioning Troubles within 30 days Business UNE-P. During a meeting with BellSouth on August 26, 2002, AT&T requested that BellSouth perform a root cause analysis in order to determine the reasons for its failures on this measure. AT&T also advised BellSouth that customers were continuing to lose service even after BellSouth implemented the single "C" order.
- 72. Notwithstanding its poor performance, BellSouth stated that it was not "alarmed" by its performance. Furthermore, BellSouth refused to conduct a root cause analysis unless AT&T completed its own evaluation of the raw data and identified specific troubles that should be analyzed. AT&T performed such an analysis of the May, June and July trouble results and provided this analysis to BellSouth. In addition, AT&T provided BellSouth with a 14 month trend analysis which showed that BellSouth's performance in this area has clearly deteriorated. AT&T also renewed its request for a root cause analysis. BellSouth has yet to conduct a root cause analysis of its performance on UNE-P or advise AT&T of any corrective measures it has taken to improve its performance.

<sup>&</sup>lt;sup>13</sup> AT&T also requested that BellSouth perform a root cause analysis of its provisioning troubles for UNE Loop with Number Portability. Specifically, AT&T asked BellSouth to investigate whether customers are changing facilities at the time of conversion to AT&T. Although BellSouth agreed to conduct such an investigation for this product category, it has not provided adequate results of its investigation. Moreover, BellSouth has not agreed to conduct a root cause analysis of provisioning troubles for UNE-P.

#### **CONCLUSION**

Based upon the pool of evidence, there is no sound basis upon which BellSouth can reasonably claim that its data are accurate and demonstrate that it has satisfied its Section 271 obligations. Both its reposting policy, which conceals errors in its reported results, as well as its commercial data which are riddled with performance failures, preclude such a finding. Moreover, its refusal to engage in root-cause analysis to determine the cause for these deficiencies makes the impact of these failures even more acute.

# ATTACHMENT 1

### BellSouth Chronic Metric Failures

Florida			Tennessee		
Metric	Sub-Category	Disaggregation	Metric	Sub-Category	Disaggregation
Reject Interval <sup>1</sup>	Fully Mechanized	-Residence -Business -Loop/Port Combo -ISDN -Line-sharing -2W analog loop -Other Design -Other non-Design	Reject Interval	Fully Mechanized	-Residence -Business -Loop/Port Combo -ISDN -Line-sharing -2W analog loop -Other Design -Other non-Design
Reject Interval	Partially Mechanized	-Line-sharing -2W Analog Loop with and without LNP	Reject Interval	Partially Mechanized	-Line-sharing -2W analog loop -LNP Standalone
FOC Timeliness	Partially Mechanized	-Loop/Port Combos -ISDN loop -2W analog Loop (design and non- design, with and without LNP)	FOC Timeliness	Partially Mechanized	-Other Non-Design -ISDN
FOC/Reject Completeness	Fully Mechanized	-xSDL -Other Non-Design	FOC/Reject Completeness	Fully Mechanized	
FOC/Reject Completeness	Partially Mechanized	-xDSL	FOC/Reject Completeness	Partially Mechanized	-xDSL
FOC/Reject Completeness	Non-mechanized	-Loop/port combo	FOC/Reject Completeness	Non-mechanized	-Loop/port combo -2W analog loop -Resale/business -Resale/ISDN

<sup>&</sup>lt;sup>1</sup> Reject and FOC interval in Florida is <u>95%</u> in 10 hours beginning with May, 2002 performance

### BellSouth Chronic Metric Failures

	Florida			Tennessee	
Metric	Sub-Category	Disaggregation	Metric	Sub-Category	Disaggregation
Missed	< 10 ckts	-Residence resale	Missed	< 10 ckts	Residence resale
Appointments	Non-dispatch	-Business resale -Loop/port combos	Appointments	Non-dispatch	-Loop/port combos -LNP Stand-alone
Missed	< 10 ckts	->DS1	Missed	< 10 ckts	->DS1
Appointments	Dispatch		Appointments	Dispatch	
% Troubles in 30	< 10 ckts	-Resale Residence	% Troubles in 30	< 10 ckts	-Resale Residence
days	Non-dispatch	-Loop/port combos -Line-sharing	days	Non-dispatch	-Resale ISDN -Loop/port combos
% Troubles in 30	< 10 ckts	-Line-sharing	% Troubles in 30	< 10 ckts	-Line-sharing
days	Dispatch	- <ds1 -&gt;DS1</ds1 	days	Dispatch	- <ds1 -ISDN loop</ds1 
Average Completion Interval		-2W analog loop w/LNP	Average Completion Interval		Combo Other Line-sharing
Jeopardies		-ISDN -2W analog Loop -Loop/port combos	Jeopardies		-Combo Other -ISDN Loop -2W analog loop (design and non- design)
Average Completion Notice Interval		-xDSL -2W analog Loop (design)2W analog Loop with LNP (design)	Average Completion Notice Interval		-2W analog Loop (design) 2W analog Loop with LNP (design)
Missed Repair Appointments	Non-dispatch	-Line-sharing -2W analog loop	Missed Repair Appointments	Non-dispatch	-Line-sharing -Loop/port combo
Maintenance	Non-dispatch	-Other-Non-design	Maintenance	Non-dispatch	-Line-sharing

### BellSouth Chronic Metric Failures

Average Duration			Average Duration		
Florida			Tennessee		
Metric	Sub-Category	Disaggregation	Metric	Sub-Category	Disaggregation
Customer Trouble Report Rate	Dispatch	-Resale Residence -Resale Business -Combo Other -ISDN Loop -2w Analog loop non-design	Customer Trouble Report Rate	Dispatch	-Resale Residence -Combo Other
Service Order Accuracy	Dispatch	Resale Business Resale Design	Service Order Accuracy	Dispatch	Resale Business Resale Design
Service Order Accuracy	Non-dispatch	Resale Business Resale Design UNE Design	Service Order Accuracy	Non-dispatch	Resale Business Resale Design UNE Design
Mean Time to Deliver Invoices			Mean Time to Deliver Invoices		
Flow-Through		Residence Business UNE	Flow-Through		Residence Business UNE

	I, Sharon Norris, declare under penalty of perjury that the foregoing is true and
correct.	
	Sharon Nami
	Soldier Carrie
	Sharon Norris

Executed on October 10, 2002.